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Attorney for Hazel Noonan

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

HAZEL NOONAN,

Plaintiff,

v.

ENHABIT HOME HEALTH;
ENHABIT HOSPICE; AND DOES
1-10,

Defendants.

Cause No: CV-24-61-H-TJC

**COMPLAINT
AND DEMAND FOR JURY TRIAL**

COMES NOW, Hazel Noonan (“Ms. Noonan”), by and through undersigned counsel, and for her claims for relief against the above-captioned Respondents (hereinafter collectively referred to as “Enhabit”), states as follows:

1. This is a civil action for whistleblower retaliation in violation of the Federal False Claims Act (31 U.S.C. § 3730(h)).

JURISDICTION AND VENUE

2. Enhabit Home Health and Enhabit Hospice (collectively referred to as “Enhabit”) violated the Federal False Claims Act (31 U.S.C. § 3730(h)) in Helena,

Montana by retaliating against Hazel Noonan for whistleblowing about Enhabit's fraudulent and illegal conduct.

3. Plaintiff Hazel Noonan is an individual who resides in Helena, Montana.

4. Defendant Enhabit Home Health and Defendant Enhabit Hospice are limited liability companies licensed to do business in the State of Montana.

5. Enhabit employed and later terminated Hazel Noonan in Helena, Montana.

6. Jurisdiction and venue are proper in the Helena Division of the United States District Court for the District of Montana.

COUNT I: WHISTLEBLOWER RETALIATION

7. Plaintiff incorporates the above paragraphs as if set forth fully herein.

8. Ms. Noonan was a loyal and hardworking employee for Enhabit from approximately May 26, 2020 until Enhabit terminated Ms. Noonan on January 4, 2024.

9. Enhabit took adverse employment actions against Ms. Noonan to punish her for whistleblowing about Enhabit's fraudulent and illegal business practices, and ultimately terminated her on January 4, 2024 in retaliation for her ongoing whistleblowing efforts.

10. For example, as early as approximately July of 2023, Ms. Noonan

engaged in whistleblowing efforts protected by 31 USC § 3730; Ms. Noonan emailed Enhabit alerting it to its Medicare fraud and neglect of patients, among other very concerning illegal conduct.

11. After Ms. Noonan engaged in ongoing whistleblowing efforts protected by the False Claims Act, Enhabit created a hostile work environment for Ms. Noonan.

12. For example, shortly after whistleblowing, Enhabit retaliated against Ms. Noonan and punished her by putting Ms. Noonan on a Performance Improvement Plan (“PIP”) for false reasons, in an apparent attempt to force her to quit.

13. Enhabit’s retaliation of Ms. Noonan has caused her significant harm, including emotional harm.

14. Ms. Noonan has been diagnosed with depression, severe anxiety and panic disorder.

15. Ms. Noonan’s mental health provider has determined that Ms. Noonan’s anxiety “continues to be associated with her toxic work environment” at Enhabit.

16. Before Enhabit fired Ms. Noonan, Ms. Noonan took paid disability leave as a result of the severe anxiety she experienced at Enhabit.

17. While Ms. Noonan was on disability leave, Enhabit hired another

person to replace Ms. Noonan.

18. Enhabit's unlawful actions have caused Ms. Noonan emotional distress and other damages in an amount to be proven at trial.

PRAYER FOR RELIEF

WHEREFORE, Ms. Noonan respectfully requests that this Court enter an order:

1. A judgment against the Defendants for all damages allowed by law, including compensatory damages, emotional distress damages, lost wages, lost benefits, etc.;
2. Pre and post-judgment interest on all damages as allowed by law;
3. Attorney fees and costs as allowed by law; and
4. All other relief that the Court deems just and proper;

DEMAND FOR JURY TRIAL

Ms. Noonan hereby demands a trial by jury on all issues so triable.

Respectfully submitted this 9th day of September, 2024.

VARELA LAW FIRM PLLC

/s/ Elizabeth M. Varela

Elizabeth M. Varela

Attorney for Hazel Noonan